

# memorandum

DATE: August 6, 2003

REPLY TO  
ATTN OF: Office of Air, Water & Radiation Protection Policy and Guidance (EH-41):Boulos: 6-1306

SUBJECT: EPA Proposed Rule on Accidental Release Prevention Requirements under Clean Air Act Section 112(r)(7), for Review and Comment

TO: Distribution

The purpose of this memorandum is to solicit comments from Department of Energy (DOE) program offices and field organizations on the Environmental Protection Agency's (EPA's) notice of proposed rulemaking, "Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements." The proposed rule (68 FR 45124; July 31, 2003) is available at the EH-41 Home Page at:  
<http://www.eh.doe.gov/oepa/rules/68/68fr45124.pdf>

On June 20, 1996, EPA published risk management planning regulations mandated under the accidental release prevention provisions of the Clean Air Act (CAA). These regulations require owners and operators of stationary sources to submit risk management plans (RMPs) to be made available to Federal, state and local emergency planning and response agencies and to the public through a central location. The first submissions were received in early 1999. In this notice, EPA is proposing to:

(A) Modify the re-submission schedule under the risk management program by:

(i) requiring facilities that have significant accidents to update and re-submit their RMP within six months of the date of the accident; and (ii) requiring facilities to correct their emergency contact information within one month of a change in the information.

(B) Add three mandatory data elements to the RMP:

(i) emergency contacts e-mail address; (ii) reason for subsequent RMP submissions; and (iii) contractor information.

(C) Remove the regulatory requirement to discuss the off-site consequence analysis in the executive summary of the RMP.

(D) Make several revisions to the submission format for the RMP.

EPA intends to issue a final rule addressing all of these proposed changes in time for the majority of facilities to complete their 5-year anniversary re-submissions by June 21, 2004. The modifications proposed in this notice seek to improve the accident prevention and reporting programs of regulated sources, and to assist Federal, state, and local RMP implementation in light of new homeland security.

In the proposed rule, EPA is amending 40 CFR Part 68:

- (i) Section 68.155, is amended by removing paragraph (c) and redesignating paragraphs (d) through (g) as paragraphs (c) through (f).
- (ii) Section 68.160, is amended by revising paragraph (b)(6), redesignating paragraphs b(14) through b(18) as paragraphs b(15) through b(19), and adding a new paragraph b(14).
- (iii) Section 68.190, is amended by revising paragraphs (b)(6) and (b)(7); adding a new paragraph (b)(8); redesignating paragraph (c) as paragraph (d); and adding new paragraphs (c) and (e). Entities potentially affected by this proposed rule are listed under “Supplementary Information” I (A) of this notice.

Please review this proposal and submit your comments by September 2, 2003, to Mr. Emile Boulos of my staff at: [emile.boulos@eh.doe.gov](mailto:emile.boulos@eh.doe.gov); 202-586-1306. In developing comments, please indicate the specific page and section of the preamble and the proposed rule in the Federal Register to which each comment pertains. Questions or concerns regarding this rulemaking should be directed to Mr. Boulos.



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